

Final Approved
VIRGINIA BOARD OF DENTISTRY
MINUTES
MAY 3, 2002

The Virginia Board of Dentistry held its **Board Meeting at 12:55 p.m.** on **May 3, 2002**, in Richmond, Virginia.

MEMBERS PRESENT: **Michael J. Link, D.D.S., President**
 Gary E. Taylor, D.D.S., Vice-President
 Richard D. Wilson, Secretary-Treasurer
 Robert Winters, Esquire
 Nora M. French, D.M.D.
 Darryl Lefcoe, D.D.S.
 Trudy Levitin, R.D.H.
 Deborah Southall, R.D.H.
 Gopal Pal, D.D.S.
 James D. Watkins, D.D.S.

ALSO PRESENT: **Sandra K. Reen, Executive Director**
 Howard Casway, Assistant Attorney General
 Senita Booker, Administrative Staff Assistant
 Robert A. Nebiker, Director, DHP
 Elaine Yeatts, Senior Policy Analyst
 Gail D. Jaspens, Chief Deputy Director

Business Meeting – May 3, 2002

Public Comment

No public comment at this time.

Determination of Quorum

Dr. Link announced a quorum of the Board.

Approval of Minutes for the February 21, 2002 Meeting.

Deborah Southall made a motion, which was seconded, that the Board accepts the minutes for the February 21, 2002 meeting. The motion was unanimously carried.

Legislation and Regulation

Dr. Wilson made a motion which was properly seconded, that the Board accept the proposed OMS regulations as recommended by the Legislative/Regulatory Committee. The motion was unanimously carried. Dr. Wilson made a motion which was properly seconded, that the Board accept the proposed Emergency Regulations regarding Temporary Permits and Voluntary Practice as recommended by the Legislative/Regulatory Committee and that the Board request publication of NOIRA at the same time the Emergency Regulations are published, the motion was unanimously carried.

Legislative Proposals for 2003

Dr. Wilson made a motion which was properly seconded, that the Board accept the recommendation of the Legislative/Regulatory Committee that a draft be prepared with the additions to the proposed regulations on Anesthesia, Sedation and Analgesia for the Committee to consider on May 31st. This motion was passed.

Dr. Watkins expressed concerns regarding the testing of specialist on the general dentistry examination and suggested that a letter should be sent by the Board to the Governor's office expressing concern on this issue. Following discussions on the issue of licensure of specialist, Dr. Wilson made a motion which was properly seconded, that staff prepare a draft legislative proposal for the licensure of specialist. This motion was unanimously carried.

Dr. Wilson made a motion which was properly seconded, that the Board accept the draft of Guidance on Practice Names and have staff initiate legislation on this issue. This motion was unanimously carried.

Petition for Rulemaking

Dr. Wilson made a motion which was properly seconded, that the Board approve the recommendation of the Legislative/Regulatory Committee to send a response to Dr. Michael Campbell thanking him for his letter and indicate that the Board would take his concerns into consideration but would not be taking any actions at this time. The motion was unanimously carried. The Board received public comments from Gail Black and Nancy Dragovich, Dental Hygienists in opposition to Dr. Campbell's petition.

Dr. Wilson made a motion that was properly seconded, that the Board sends a letter to Dr. Joseph Mix thanking him for his letter and indicate that the Board would take his concerns into consideration but would not be taking any actions at this time.. The motion was unanimously carried.

Examinations

SRTA

Dr. Taylor moved that the Board convene into Executive Session pursuant to §2.2-3711(A)(7) for the purpose of discussing the examination given by SRTA with legal counsel. Dr. Taylor moved that the Board reconvene in open session and certified that only public business matters lawfully exempted from open meeting requirements and only such public business matters as were identified in the motion for executive

session were heard, discussed or considered during the executive session just concluded. The motion was unanimously carried.

Dr. Lefcoe made a motion which was properly seconded, that the Board oppose granting associates voting privileges. The motion was unanimously carried.

Remarks from Robert A. Nebiker, Director, DHP

Mr. Nebiker reported that the final budget was released by the General Assembly and no funds would be transferred from the Department's budget to the general fund. He also spoke on the establishment of a Discipline Committee to review the process of how the Board handles cases and ensure cases are properly adjudicated and asked that the Board take this into consideration.

Board Discussion

Shortage of Dental Hygienists

Dr. Wilson made a motion, which was properly seconded, that the Board along with staff establish a Task Force to address the issue of the dental work force to include representatives from the VDA, VDHA, Old Dominion Dental Society, School of Dentistry, Commonwealth Dental Hygienist Assoc., Dental Assistants, Dental Lab Technicians and Dental Hygienist Schools. The motion was unanimously carried. Ms. Reen stated that prior to establishing a task force, the Board needs to develop a work plan and cost analysis. Mr. Nebiker indicated that the task force is a good idea but he cautioned the Board could not expend funds on manpower planning.

Request from Dr. Robert Gallegos regarding direction and delegation of duties

The Board considered Dr. Gallegos' request regarding the direction and delegation of duties as restricted to a dentist by regulation at 18 VAC 60-20-190 which addresses non-delegable duties that only a licensed dentist may perform. Dr. Link directed staff to send a response to Dr. Gallegos addressing his questions.

Request from Dr. Paul Supan

The Board considered Dr. Supan's request regarding the removal of orthodontic brackets by a dental assistant. The Board directed that Dr. Supan be advised that there is no regulation that prevents this procedure by a dental assistant; however, it was the consensus of the Board that assistants could remove bands and stainless steel brackets but not ceramic brackets. Dr. Link referred this issue to the Legislation/Regulatory Committee for further review and recommendation.

Request from MCV Orthodontic Program

The Board considered the request from the MCV Orthodontic Education and Research Program for approval as an approved sponsor of continuing education programs and that their request be granted retroactively to include programs given in 1999, 2000 and 2001. Dr. Taylor made a motion and was

properly seconded that MCV Orthodontic Education and Research Program be approved as a sponsor of continuing education programs from this date forward. The motion unanimously carried.

Request from J. Sargeant Reynolds Community College

The Board considered the request from J. Sargeant Reynolds Community College requesting a letter of support of their Dental Assisting Program from the Board. Dr. Watkins made a motion that was properly seconded, that a letter be sent stating that it is not in the Board's purview to supply letters of support.

Request from McKane & Associates

The Board considered the request of McKane & Associates for approval of continuing education program "The Master Dental Hygienist in the New Era" for eight hours credit. Ms. Southall made a motion, which was properly seconded, that the Board approves the program "The Master Dental Hygienist in the New Era". The motion failed. Following discussions on the criteria for approving continuing education programs, Dr. Link appointed Dr. Watkins to Chair the CE Committee.

Other Business:

Ratification of Order

Dr. Taylor made a motion, that the Board convene in Executive Session pursuant to §2.2-3711 (A) (15). Dr. Taylor moved that the Board reconvene in open session and certified that only public business matters lawfully exempted from open meeting requirements and only such public business matters as were identified in the motion for executive session were heard, discussed or considered during the executive session just concluded. The motion was unanimously carried.

Dr. Lefcoe made a motion, which was properly seconded, that the Board accepts the Consent Order of Dr. George Lane surrendering his license as recommended by the Special Conference Committee. The motion was unanimously carried.

Executive Director's Report

VDA Newsletter

Ms. Reen reported that the Board was offered a column in the VDA Dental Journal if it chooses to submit an article. Ms. Reen recommended that the Board decline the offer to contribute a column, the Board agreed. Ms. Reen will contact VDA and decline the offer.

DHP Travel Policy

Ms. Reen reviewed the revised travel approval policy in relation to scheduling meetings off-site. Deb Southall made a motion which was properly seconded, that staff submit a request for approval for attendance at the SRTA annual meeting in Washington, DC on August 16-18 to include the members who

are able to attend including the citizen member, legal counsel and the executive director. The motion was carried.

AADE Meeting

Ms. Reen reported the AADE meeting will be held in October. Trudy Levitin made a motion which was properly seconded, that a request for attendance be made for two dentists, 1 hygienist, legal counsel and the executive director to attend their component meetings. The motion carried.

Request from Korean Dentist

Ms. Reen reported that 12 Korean dentists will be traveling to the U.S. and requested to be allowed to observe the SRTA examinations in dental hygiene. She also reported that SRTA has approved having 2 members from the group observe the examinations.

There being no further Board business, the meeting was adjourned at 3:40 p.m.

APPROVED:

Michael J. Link, President
Virginia Board of Dentistry

Date

Sandra K. Reen, Executive Director
Virginia Board of Dentistry

Date